

**FEDERAL PUBLIC DEFENDER**

NORTHERN DISTRICT OF CALIFORNIA  
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September 27, 2007

VIA FACSIMILE (510) 637-3327  
Magistrate Judge Wayne D. Brazil  
1301 Clay Street, Courtroom No. 4  
Oakland, CA 94612

**United States v. Jay Miller, CR 07-70391 WDB**

**RE: Request to continue court date from 9/28 to 10/11 for status**

Dear Judge Brazil:

I am writing to ask that the above-referenced case be continued from September 28, 2007, to October 11, 2007, for status regarding the Rule 5 transfer. I spoke with the AUSA in New Hampshire today and she indicated that she will be sending the Rule 5 papers for Mr. Miller to sign within the next couple of days. She is waiting to talk with an AUSA in this district to get a copy of a form plea agreement, information and waiver of indictment to modify accordingly. Given the fact that we are still waiting for the prosecutor in New Hampshire to send the documents, it would be more efficient to continue tomorrow's court appearance to October 11, 2007.

Mr. Miller is aware that he has a right to require that the case proceed in accordance with various deadlines under the Speedy Trial Act. He is willing to waive the timing of any hearings and exclude time under the Speedy Trial Act for effective preparation of counsel taking into account due diligence.

I have left a message for AUSA Stephen Corrigan but am unaware of whether he objects to the proposed continuance to October 11, 2007.

Sincerely,

**BARRY J. PORTMAN**  
Federal Public Defender

/S/

**JOYCE LEAVITT**  
Assistant Federal Public Defender

cc: Stephen Corrigan, AUSA